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Anu Lahtinen

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Introduction: The Scorned Sister Strikes Back

It was August 1578, harvesting time.¹ The subjects of the Swedish Crown, impoverished by war and uncertain crops, were doing their best to collect what they could to secure their own living and to pay their taxes. Sweden and Russia were at war, and King John III of Sweden (r. 1568–92) was engaged in fruitless negotiations with the pope about coming to terms with the religious life in protestant Sweden. Meanwhile, in the manor of Yläne in Southwestern Finland, then part of Sweden, an unmarried noblewoman Filippa Fleming--or Filippa Eriksdotter, as the contemporaries knew her²--at the age of thirty-something, lay bedridden, preparing to meet her maker.

Filippa had been ill for a long time, and she had been pondering on her life, her nearest relationships, and the eternity that she was about to face. She was making plans for her death and also for the aftermath of her death. A day before she died, Filippa apparently let somebody write a lengthy last will, the central aim of which was to disinherit her only living sibling, admiral and Baron Klas Fleming (d. 1597).³ According to Filippa's last will, Klas Fleming was not considered worth a penny because he had not lived up to the expectations set to a brother. Instead, Filippa wanted her niece Anna (d. bef. 1608), daughter of her deceased brother Joakim Fleming (d. c. 1562), to have part of the landed property while the other part

¹ This contribution has been written under the auspices of the research projects *Gender and Family in Finland, Medieval to Modern* (Emil Aaltonen Foundation) and *Letters and Songs: Registers of Beliefs and Expressions in the Early Modern North* (Academy of Finland, project nr. 288119). The case has been formerly presented in my previous research mentioned in the notes of this chapter; in the present analysis, however, I have a new focus on the legal ramifications of the last will, and I present a new context and new archival findings related to the topic.

² In the sixteenth century, many Swedish noblemen and almost all noblewomen only used their patronyms instead of family names. So Filippa, for example, often had her name written Filippa Eriksdotter ("daughter of Erik") instead of Filippa Fleming, while her brother was always referred to as Klas Fleming. Their mother, Hebla Siggesdotter of the Sparre family, also referred to herself as Hebla Siggesdotter, although her brother called himself Lars Sparre. The fiancé of Filippa Fleming, Knut, did not use the family name of Kurck; he was referred to as Knut Jönsson, son of Jöns. The family name was only introduced by his offspring. For the sake of clarity, however, as the family names have often been used in research, I have used the family names in this text. For women, I always give the name of their family of birth, as they used the coat of arms of their father, regardless of whether they were married or not.

³ Last will of Filippa Fleming, Biografica, National Archives of Sweden [Riksarkivet, hereafter RA, Stockholm, Sweden]. Published in Aulikki Ylönen, *Pöytyän, Yläneen ja Oripään historia vuoteen 1865* (Pöytyä, Yläne, and Oripää, 1969), pp. 350–53.

would go to King John III of Sweden. The movable goods were to be given to Filippa Fleming's fiancé Knut Kurck of Laukko (d. 1597/98), who was expected to settle the payments and salaries that were due to Filippa's servants. Finally, some property was to be given to charity.

Disinheriting one's family member was not a matter of mere registration. The Chapter on Inheritance (Sw. *Ärvdabalken*) in King Christopher's [of Bavaria, r. 1441–48] Law for the Countryside (1442), stipulated specified inheritance portions: all siblings would inherit fixed portions, depending on their gender. In the countryside, a brother's lot was twice as much as a sister's lot, but all the siblings were expected to get their share in landed property and movables alike. If one or more of the siblings was deceased but had offspring, then the offspring would inherit the compulsory portion that would have gone to the named sibling.⁴ Only a limited amount of inherited land could be bequeathed to the Church, while inherited landed property was particularly to be kept in the family.⁵ The Town Law followed the same principles with the exception that the compulsory portions of daughters and sons were equal in size.⁶

It was very exceptional, then, for a family member to disinherit the legal heir of half of the property, and there were no clear legal guidelines on how to do that. Unlike in England, for example, Swedish legislation did not place much emphasis on last wills or testamentary freedom.⁷ There were few norms regulating wills before the year 1686. The Catholic Church gave some guidelines on how much inheritance could be bequeathed away from the legal heirs, but that aside, there were only some indicative sections in the legislation. These sporadic sections gave some guidelines on last wills, but it was not always easy to apply a vague rule to the case, and last wills could result in lengthy property disputes.⁸ Moreover, as

⁴ 1-2 *Ärvdabalken* [hereafter *Ä*], in Martti Ulkuniemi, trans. and ed., *Kuningas Kristoferin maanlaki 1442*, (SKS:n toimituksia) 340 (Helsinki, 1978), pp. 50–51. See also the edition of the mid-fourteenth-century Law of the Realm, Åke Holmbäck and Elias Wessén, eds., *Magnus Erikssons Landslag i nusvensk tolkning* [hereafter *MEL*], (Rättshistoriskt bibliotek) 6 (Lund, 1962). On the Swedish partible inheritance system, see also the chapter by Korpiola and Trolle Önnarfors in this volume.

⁵ See 14, Chapter on the Church (Sw. *Kyrkobalken*) of the provincial law of Uppland, here referred to through Aulis Oja's translation in Marketta Huitu and Tove Riska, eds., *Codex Aboensis: Turun käsikirjoitus* (Helsinki, 1977), pp. 138–46; 19 *Ä*, Åke Holmbäck and Elias Wessén, trans. and eds., *Magnus Erikssons Stadslag i nusvensk tolkning* [hereafter *MESL*], (Rättshistoriskt bibliotek) 7 (Lund, 1966), pp. 62–63.

⁶ See 1–2 *Ä*, *MESL*, eds. Holmbäck and Wessén, p. 56.

⁷ See Introduction in this volume.

⁸ On the (lack of) testamentary legislation and the resulting court disputes, see Jan Liedgren, "Testamente (Sverige)," in *Kulturhistoriskt lexikon för nordisk medeltid: Från vikingatid till reformationstid* 18 (Helsinki,

Filippa Fleming was unmarried, she was under the guardianship of the very brother she wanted to disinherit.

What makes the case of Filippa Fleming so interesting is precisely the manner how the testatrix, and later her outraged brother, argued for and against the will, trying to use the then existing sporadic legislation to their own ends. It was, of course, out of the question that Klas Fleming would quietly accept such a testament, so after Filippa died, several postscripts concerning the rights of the heirs were added to the story. In this chapter, I shall analyse the legal arguments of the will in contrast to the Swedish legislation on inheritance. It shall be shown that when preparing for her death, Filippa Fleming also made her best to gather as many arguments as possible to support her last will.

In order to address the topic of family relationship and inheritance law, I shall firstly present the contents and the context of the long document left by Filippa and the legislation that can be connected to the reasoning behind the last will. I shall then proceed to examine the dispute that followed and conclude by analysing the benefits, problems, and unexpected ramifications that drawing up a will could lead to in the Swedish legal and social context. All along, I shall address the question of the space of agency of an unmarried woman facing a conflict with her nearest relatives to whom she was partly subordinate. The remaining sources are fragmentary, and a researcher is sometimes left speculating the connection between some events and arguments. However, having gone through a series of archival sources I shall present a plausible picture of the course of events.

Path to Conflict: Neglectful Management of Brotherly Responsibilities

In late medieval and early modern times, inheritance disputes in general and testamentary disputes especially could have been acrimonious and lengthy. In Nordic history, there are several examples of them, one of the most famous cases being the dispute over the last will and inheritance left by burgomaster Jakob Frese (d. 1455) from Turku and Tallinn. The dispute took decades to solve and both the Holy Roman Emperor as well as the pope were

1974), cols. 222–26; Elsa Trolle Önnerfors, *Justitia et Prudentia: Rättsbildning genom rättstillämpning: Svea hovrätt och testamentsmålen 1640-1690*, (Rättshistorisk bibliotek) 70 (Stockholm, 2014).

resorted to for support.⁹ Often the parties were already embittered by previous disputes, and grievances could be passed on from one generation to another.¹⁰ Therefore, while the last will could offer a chance for reconciliation--along with the idea of departing in peace, following the rules of *ars moriendi*, but it could be, and was as in this case, also used as a means to get even with relatives, children, or siblings.

It is no surprise, perhaps, that one of the nastiest conflicts between noble siblings recorded in the sixteenth century took place between Filippa Fleming and her brother Klas Fleming. The aristocratic Fleming family is notorious in Finnish history as a horde of cunning and unscrupulous people that gave shivers to many of their contemporaries, noble and common alike. Baron Klas Fleming, Admiral of the Realm, has been considered the most infamous of them all, harsh and clumsy towards his peers and merciless towards those dependent on him. He made a splendid career in the high positions of the realm, being in the favour of several kings, but also lost this favour several times temporarily because he was too often pursuing his own interest at the cost of everything else.¹¹

The seeds of the dispute were sown sometime after the death of Erik Fleming (d. c. 1548) and later Hebla Sparre (d. c. 1572), the parents of the Fleming children.¹² In the year 1560, while Hebla was still alive, the three siblings, Joakim, Klas, and Filippa, made an agreement on supporting their widowed mother in her old days. Klas Fleming was to take care of his mother's needs. In return, he would inherit the large estate of Suitia, the main residence of the family, while some other manors were allotted to Joakim and Filippa.¹³ All the siblings gave their consent to the arrangement, which was also in harmony with the legislation that allowed a compensation for a child who took care of an elderly parent.¹⁴ Nevertheless, the

⁹ Gustav Adolf Donner, *Striden om arvet efter köpmannen Jakob Frese 1455-1510* (Helsinki, 1930), pp. 26–30 and passim.

¹⁰ See, for example, of the inheritance settlements and disputes over generations related to Lucia Skälge's family, in Birgit Klockars, *I Nådens dal: Klosterfolk och andra c. 1440–1590* (Helsinki, 1979), pp. 99–105; Anu Lahtinen, "By Love and by Law: Choices of Female Donators in Fifteenth- and Sixteenth-Century Sweden," in *Donations, Inheritance and Property in the Nordic and Western World from Late Antiquity until Today*, eds. Ole-Albert Rønning, Helle Møller Sigh, and Helle Vogt (London and New York, 2017), pp. 146–64. The case is also discussed by Mia Korpiola and Elsa Trolle Önnerfors in this volume.

¹¹ Berndt Federley, "Fleming, Klas (Eriksson)," in *Svenskt biografiskt lexikon* [hereafter *SBL*] 16, ed. Erik Grill (Stockholm 1964–66), pp. 126–33.

¹² See, for example, Eric Anthoni, "Fleming, Erik," in *ibid.*, pp. 118–21.

¹³ Adolf Ivar Arwidsson, ed., *Handlingar till upplysning af Finlands häfder* 6 (Stockholm, 1853) p. 152.

¹⁴ See 31, Maakaari (Sw. *Jordabalken*, Chapter on Land; hereafter J), *Kuningas Kristoferin maanlaki*, ed. Ulkuniemi, pp. 68–69. On discussion over the share of inheritance and responsibility over the elderly parents, see Anu Pylkkänen, "Forming the marital economy in the early modern Finnish countryside," *The Marital*

agreement was also part of the process that accumulated the share of Klas Fleming over the others, and his hunger for estates was not satiated there. It seems that at this point Klas Fleming also got his hands on more than his fair share of the movables of the parents, part of which were transferred over to his own estates in Sweden.¹⁵

Of the three Fleming siblings, Joakim Fleming, a contradictory person often in conflict with others, died in 1562. He left a daughter, Anna Fleming, whose mother was Agda Pedersdotter, a former concubine of King Erik XIV of Sweden (r. 1560–68). The Fleming family had considered the marriage of Joakim and Agda inferior regarding their own standing, and fatherless Anna seems to have been kept away from her mother in the company of either her aunt Filippa or her uncle Klas. Later sources suggest that Filippa and Klas disagreed on who would take care of Anna--they both wanted to take care of the girl and possibly thereby maximize their control over her property.¹⁶ According to the last will of Filippa, Anna stayed for a while at her aunt's place, "behaving like a good poor niece is expected to", so that Filippa became fond of her.¹⁷ Later, however, she lived with the family of Klas Fleming.¹⁸

At some point the division of inheritance and the overall behaviour of his brother started to annoy Filippa Fleming. However, as she was an unmarried woman and the antagonist was her closest relative, her space of action was limited. In legal terms, as Filippa Fleming was unmarried, her inherited landed property was administered and her marriage decided by her guardian, the closest male relative, i.e. her brother Klas Fleming. Klas Fleming was also guardian to their fatherless niece Anna Fleming with power over her property and marriage as well.

The status of an unmarried woman in Swedish legislation deserves a further look. All unmarried women and also boys under fifteen years were under guardianship. In addition, an unmarried woman had a marriage guardian, *giftoman*, who had the right to give her away in

Economy in Scandinavia and Britain 1400-1900, eds. Maria Ågren and Amy Louise Erickson (Aldershot, 2005), p. 84. See also Mia Korpiola and Elsa Trolle Önnerfors's article in this volume.

¹⁵ Hebla Siggesdotter (Sparre)'s letters 17 May 1570 and 29 May 1571, Main Archive of the Svea Court of Appeal [Sw. Svea Hovrätts huvudarkiv], RA, E VI a 2aa, Liber causarum 27. On the dispute over the movables, see also Anu Lahtinen, "Prolonged Noble Property Disputes in the Svea Court of Appeal: Case Studies from the Early Years," in *The Svea Court of Appeal in the Early Modern Period: Historical Reinterpretations and New Perspectives*, ed. Mia Korpiola, (Rättshistoriska studier) 26 (Stockholm, 2014), pp. 150 and 153.

¹⁶ RA, Main Archive of the Svea Court of Appeal, E VI a 2aa, Liber causarum 27.

¹⁷ The last will of Filippa Fleming, Biografica, RA.

¹⁸ Anu Lahtinen, *Anpassning, förhandling, motstånd: Kvinnliga aktörer i släkten Fleming 1470–1620*, (Skrifter utgivna av Svenska litteratursällskapet i Finland) 721 (Helsinki and Stockholm, 2009), pp. 16–80.

marriage. Most often, it was the father or the closest male relative who held both positions. After getting married, a woman was represented by her husband, although getting married gave her more respect and authority as a wife and the mistress of the household. Only as a widow she was free from guardianship.¹⁹

While an underage man was considered an adult approximately after the age of fifteen, no specific age of adulthood was defined for an unmarried woman. In a way, she was always considered to some extent a minor. This was not exceptional as such: the marital status of a woman was an important category of difference in other areas of Western Europe, and her position was more often than not subordinate to the men of the family. However, in England, for example, the *femme sole* arrangement would explicitly have allowed a woman to gain power over her own person and property, regardless of her marital status.²⁰

In Sweden, the legislation and legal practice left an adult unmarried woman's position somewhat equivocal. The inherited property of an unmarried woman was in the hands of her guardian--closest male relative or a widowed mother. After she was married, a woman could contest the economic agreements that had been made while she was still unmarried. However, in order to get married in the first place, she needed the consent of her marriage guardian.²¹ Ideally, the legislation aimed to prompt the guardian to make decisions that were in the unmarried woman's best interests so that she would not have any need to contest the agreements later on. In practice, guardians were not always to be trusted, and if a brother was to decide over the property and marriage of his sister, his own interests could conflict with those of the sister. There was some contemporary understanding over that the father and the husband were more likely to promote the interests of a woman better than her brother or uncle.²² Filippa Fleming was one of those who felt bitterly the drawbacks of the system.

¹⁹ On guardianship, see Mia Korpiola, "Marrying off Sons and Daughters: Attitudes Towards the Consent of Parents and Guardians in Early Modern Sweden," in *Less Favoured - More Favoured: Proceedings from a Conference on Gender in European Legal History, 12–19th centuries*, eds. Grethe Jacobsen, Helle Vogt, Inger Dübeck, and Heide Wunder (Copenhagen, 2005), available online at: http://www.kb.dk/da/nb/publikationer/fundogforskning-online/less_more/, last accessed on 3 Aug. 2017, pp. 3–5.

²⁰ About single women in Europe, see Judith M. Bennett and Amy M. Froide, "A Singular Past," in *Singlewomen in the European Past 1250-1800*, eds. Judith M. Bennett and Amy M. Froide (Philadelphia, 1999), pp. 1–37.

²¹ 8 and 16 J, *Kuningas Kristoferin maanlaki*, ed. Ulkuniemi, pp. 62–63.

²² Korpiola, "Marrying off Sons and Daughters," pp. 3–5; Mia Korpiola, *Between Betrothal and Bedding: Marriage Formation in Sweden 1200-1600*, (The Northern World) 43 (Leiden, 2009), pp. 175–79 and 294–96; Lahtinen, *Anpassning, förhandling, motstånd*, pp. 145–44 and 169–80; Lahtinen, "Prolonged Noble Property Disputes," pp. 135–40.

On the other hand, in real life, unmarried women were not entirely pushed aside when divisions of inheritance and landed property transactions were made. As was described above, even Filippa participated in the agreement made over the sustenance of her mother in 1560, when she may have been around 20 years old. A nobleman commented on this practice in 1620 saying that there would be no end to disputes if all agreements by unmarried women would be contested after they got married: some credit had to be given to agreements made under these circumstances.²³ Still, it was true that agreements were every now and then contested either by a woman when she was married, or even more so by her husband who then was considered responsible for defending the rights of his wife.²⁴ The fact that agreements could be undone indicates that unmarried women could resent such decisions and that their right to contest them was accepted. However, if a woman never married she had difficulties in defending her case.

Being under guardianship did not mean that Filippa Fleming had no say whatsoever over her life. As a member of a noble family, she led a life that was privileged in comparison to unmarried women in other social groups. She administered her Yläne estate, located in the present day Southwestern Finland. She, thus, decided on her own everyday course of life and ruled as mistress of her household over dozens of servants and tenants. Legally, however, she needed the consent of her brother in terms of marriage and transactions of landed property.²⁵

Getting married was considered a natural aim for a woman, and Filippa, already in her 30s, was betrothed to the aforementioned nobleman Knut Jönsson [Kurck]. She seems to have made preparations for a wedding, collecting a trousseau and valuable baby clothing.²⁶ A marriage would have freed her from legal bounds to her brother as it would have made her husband her new legal guardian, instead. However, the marriage was delayed, most notably because of Filippa's illness. In the spring of 1578, she fell ill and lay bedridden for four months until her death.²⁷ It was then when she finally drafted her resentment, disappointment,

²³ Lahtinen, "Prolonged Property Disputes," p. 153.

²⁴ 3 Naimiskaari [Sw. *Giftermålsbalken*, Chapter on Marriage; hereafter G], *Kuningas Kristoferin maanlaki*, ed. Ulkuniemi, p. 44; Lahtinen, *Anpassning, förhandling, motstånd*, pp. 169–90.

²⁵ Lahtinen, *Anpassning, förhandling, motstånd*, pp. 169–90.

²⁶ Reinhold Hausen, ed., *Bidrag till Finlands historia*, 5 (Helsinki, 1917), appendices A and B; Riitta Pylkkänen, *Renessansin puku Suomessa 1550-1620* (Porvoo, 1956), p. 312.

²⁷ Accounts from the Yläne Manor, Bailiff's Records [Finn. *voudintilit*], vol. 1400, fols. 3^r and 5^r. National Archives of Finland [Finn. *Kansallisarkisto*, hereafter KA, Helsinki, Finland].

and grievances into a literary form and prepared her last will. For Filippa Fleming, as for many other women in medieval and premodern times, dictating the will (it was most often dictated) was probably the first time they created a narrative of their own lives and experiences, pondering their relations with their family members.²⁸ Filippa's narrative was that of a sad and angry woman.

It is clear from the words of the last will that Filippa felt both materially and emotionally neglected by her brother. In a conscious contrast, she praised her fiancé for having been loving and steadfast, and she had also warm words for her niece Anna and her faithful servants. Klas Fleming, in contrast, was presented as a cold-hearted, self-interested brother who had failed to do his duty towards his sister. While it is not possible to fully verify all the claims made by Filippa Fleming, other surviving sources seem to support the general picture given in the will. Even though all accusations may not have been correct, the narrative of the last will reflects the way the contemporaries understood the duties, rights, and women's space of action as far as inheritance rights were concerned.

In her last will, Filippa Fleming listed four reasons why she wanted to leave her brother without any share. The first three accusations were related to economic disputes. Firstly, Filippa claimed that Klas Fleming had usurped her maternal inheritance and landed property and used the yearly income of their mother's estates for five years (approximately since the death of their mother), instead of having it divided between all heirs (i.e. Klas, Filippa, and their niece Anna).

Secondly, Filippa claimed that Klas Fleming had also taken all movable goods left by their parents "and knew best himself what had happened to them". Even these movables should have been divided. Some copies of letters seem to support Filippa's claim: it seems that in the early 1570s, sometime before her death, Hebla Sparre had demanded that her important movables were to be sent from the Suitia to the Tuna estate. Tuna belonged to Klas Fleming, and even Hebla seems to have resided there. There is some urgency in Hebla's letters: in May 1570, she wrote that as her servant Sigfrid "well knew her situation", he should quickly send

²⁸ About women's narratives in last wills, see Katherine J. Lewis, "Women, Testamentary Discourse and Life-Writing in Later Medieval England," in *Medieval Women and the Law*, ed. Noël James Menuge (Woodbridge, 2001), pp. 58–74.

her both victuals and all clothing that were stored in the Manor of Suitia.²⁹ As the movables were sent to an estate owned by Klas Fleming and as Hebla died soon after, it is very possible that the items remained in the hands of Klas Fleming.

Thirdly, Filippa told that Klas Fleming owed her a hefty amount of silver and gold, “a considerable sum in *dalers*”. She was not very specific in describing the debt or what precisely it was that Klas Fleming had taken. As the archives of Filippa Fleming or Klas Fleming have been lost, it is difficult to know how much landed property and movables might have gone missing from Filippa’s inheritance portion. However, there is at least one surviving receipt from April 1578, in which Filippa Fleming used her “seal from the paternal side” sealing a loan of grain (dozens of barrels) on behalf of her brother Klas Fleming--maybe for the troops the brother was responsible for.³⁰ Transactions like this might have been in Filippa’s mind when referring to this debt.

All in all, although it was not explicitly stated, Filippa seemed to allege that her brother had in fact already had his proportion of inheritance in advance. However, Filippa argued that it was the fourth offence that superseded all the others. Klas Fleming, a brother who would have been expected to take care for his sister, had entirely neglected and forgotten her during her illness:

[...] over all other reasons it is this fourth one that hurts me most. Namely that he who is my carnal brother has not at all cared for me during my long illness, and has entirely forgotten me, and to be precise done nothing to please me, or remembered me, irrespective of the fact that I would very much have needed his help in addition to that offered by God and His Royal Majesty. That is why I have now, at this time, thought as much of him as he has thought of me.³¹

²⁹ Hebla Siggesdotter [Sparre]’s letters 17 May 1570 and 29 May 1571, RA, Svea Hovrätts huvudarkiv, E VI a 2aa, Liber causarum 27.

³⁰ A receipt for a loan, sealed by Filippa Eriksdotter [Fleming], 28 Apr. 1578, Boije–Hordeel, vol. 2, De la Gardieska samlingen, Lund university library, Lund, Sweden; Klaus Fleming’s letter to Lars Henriksson (Hordeel), 2 Feb. 1578 [error in the original date of letter: the year must be 1579, because Filippa was here referred to as deceased], Biographica Minora (Klaus Fleming), Lund university library.

³¹ “*Menn udöfwer allt dhette gåhr mig dhenn fierde orsak alldelis hårt tillsinnes. Nämlig: n ath hann som är min Kötzlige bror, hafwer vdi dhenne min långlige siuchdoms tijdh, alzindz latidt sigh wårde um migh, udhan latidt migh ware platt förgåthen, Och snarest sagtt udi ingenn måtte waritt migg till wille, eller kommit mig ihåg, Oanseedt ath iag nästh Gudh och högb: Konung: Mtt. mycket hade haft hans hielp behoof. Dherföre hafwer iag och nu på dhenne tijdh, betäncht honum, efter såsom han udi min långlige siuchdoms tijd hafwer kommit migh ihug.*” Last will of Filippa Fleming, Biografica, RA.

It has been alleged by researchers that Klas Fleming, being the guardian with the right to decide over the marriage of Filippa Fleming, had also been against her marriage.³² This is not clearly stated in the documents, although one can naturally speculate that Klas Fleming may not have been eager to see his sister married: a husband might have acted decisively to defend Filippa's economic interests and questioned the division and use of inheritance. The same applied to the situation of Anna Fleming, who, as a niece, was younger and, therefore, even in a more vulnerable position. Later, in the 1590s, Klas Fleming did his best to delay the marriage of Anna Fleming; only after he died and Anna was married, it was revealed that Klas Fleming had usurped her inheritance.³³ Be that as it may, "measure for measure" was clearly the message mediated by the last will.

Plan for Revenge

How, then, did the argumentation of the will and the medieval legislation resonate with each other? As was mentioned earlier, there were compulsory inheritance proportions stipulated in the law, so in principle, after the death of Filippa Fleming, her brother and niece Anna Fleming would have had a right to half of the inheritance. If Filippa's claims were correct, however, Klas Fleming had already unlawfully taken possession of some of the remaining inheritance, as it could be argued that he had already taken more of the estates and movables after their parents' death than what should have been allotted to him in the first place. Klas had failed to see that the estate of their dead mother was divided between her lawful heirs in accordance with the law.³⁴ As a guardian for his sister, he should at least have accounted for the income of her proportion of landed property, instead of using it as it was all his.³⁵

While economic disputes as such can be seen as a sign of emotionally strained relations, Filippa made her point even more explicit by directly accusing her brother of negligence. References to lack of love and care as a justification for altered inheritance arrangements are sometimes referred to in sixteenth-century transactions of landed property. It seems that acts of love or lack of love and support could be used as acceptable justifications for favouring one

³² For the discussion of Klas Fleming's role in marital arrangements, see Lahtinen, *Anpassning, förhandling, motstånd*, pp. 145–53.

³³ Lahtinen, *Anpassning, förhandling, motstånd*, pp. 169–90.

³⁴ See 13-14 Ä, *Kuningas Kristoferin maanlaki*, ed. Ulkuniemi, pp. 55–56.

³⁵ 20 G, *Kuningas Kristoferin maanlaki*, ed. Ulkuniemi, pp. 49–50.

relative over others. Although the law did not comment on love between siblings, the concept was clearly familiar and, to some extent, binding in the eyes of the contemporaries.³⁶ Similar kind of patterns have been observed in Scotland by Katie Barclay: in early modern terms, love was understood as a felt duty marked by acts--acts of provision, for example.³⁷

In its chapter on land (Sw. *Jordabalken*), Swedish law stipulated that relatives and heirs who supported elderly or sick family members could be favoured in division of inheritance, and those who failed to do so might find their proportion diminished.³⁸ Thus, one can expect that there was a contemporary understanding that a loving fiancé, supportive king and a well-behaved niece could be prioritized over a neglectful and self-serving brother. However, it was more common that love and care were mentioned as a justification of somewhat changed proportions of inheritance; to completely disinherit the closest male relative by attempting to grant all her inherited lands to others was a bold move. All in all, the last will of Filippa Fleming was far from what is often considered typical for women's testaments, focusing on some movables being given to female relatives and other items directly under their control.³⁹ Instead, it was a road map to redistributing the property completely--a bold move, although not totally exceptional, as will be seen.

As can be easily understood, emancipation in the modern sense was alien to most sixteenth-century Western European women, although they could still be critical about the circumstances they were living in. Instead of criticizing gender hierarchy, however, they were more likely to lament the disability of men to live up to the ideals.⁴⁰ Filippa Fleming did not

³⁶ See Lahtinen, *Anpassning, förhandling, motsstånd*, pp. 104–11; Lahtinen, “Prolonged Property Disputes,” p. 147; Lahtinen, “‘By Love and by Law’,” pp. 158–59.

³⁷ Katie Barclay, “Natural Affection, Children, and Family Inheritance Practices in the Long Eighteenth Century,” in *Children and Youth in Premodern Scotland*, eds. Janay Nugent and Elizabeth Ewan (Woodbridge, 2015), pp. 140 and 151. See also Mia Korpiola, “Virtue Rewarded, Disobedience and Vice Punished: Attitudes towards Inheritance Rights in Swedish Early Modern Law and Practice,” in *Historical Perspectives on Nordic Inheritance Law*, eds. Bodil Selmer, Marianne Holdgaard, and Auður Magnúsdóttir (Leiden, forthcoming 2018).

³⁸ 31 J, *Kuningas Kristoferin maanlaki*, ed. Ulkuniemi, pp. 68–69; mostly comments on supporting elderly parents but also states that the law also applies to other relatives. See also Maria Ågren, “Contracts for the Old or Gifts for the Young? On the Use of Wills in Early Modern Sweden,” *Scandinavian Journal of History* 25 (2000), pp. 217–18; Pylkkänen, “Forming the marital economy,” p. 84.

³⁹ See, for example, Natalie Zemon Davis, “Boundaries and the Sense of Self in Sixteenth-Century France,” in *Reconstructing Individualism: Autonomy, Individuality, and the Self in Western Thought*, eds. Thomas C. Heller, Morton Sosna, and David E. Wellbery (Stanford, 1986), p. 62; Lewis, “Women, Testamentary Discourse and Life-Writing,” pp. 58–72; J.S.W. Helt, “Women, memory and will-making in Elizabethan England,” in *The Place of the Dead: Death and Remembrance in Late Medieval and Early Modern Europe*, eds. Bruce Gordon and Peter Marshall (Cambridge, 2000), p. 196.

⁴⁰ Sara Mendelson and Patricia Crawford, *Women in Early Modern England 1550-1720* (Oxford, 1998), pp. 72 and 251–54; Amanda Vickery, *The Gentleman's Daughter: Women's Lives in Georgian England* (New Haven and London, 1998), p. 9.

complain over the legal system that placed her under the control of her brother. Instead, she claimed her brother had forfeited his rights by his behaviour that was unworthy for a guardian. Klas Fleming had failed to honour his role as a brother. What was now needed was a protector that would be even mightier.⁴¹ Hence Filippa Fleming, planning to overrule the interests of the unscrupulous brother, referred to the king as her helper. In her last will, then, Filippa presented the ruler as her fatherly helper and supporter whom she in return wanted to thank and remember by making him one of her heirs, in addition to Anna Fleming and instead of her brother Klas Fleming.

As mentioned above, Filippa wanted the king to execute her will.⁴² As compensation, she wanted him to inherit her Yläne estate and the landed property annexed to it, while Anna Fleming would inherit the rest of her landed property. Although Filippa Fleming did not discuss the situation of Anna Fleming in length, one can suspect that one of the reasons for her drafting the last will was her concern for the future of Anna, then approximately 15–16 years old.⁴³ After the death of her aunt Filippa, Anna would have been entirely at the mercy of Klas Fleming, unless the king protected her rights. Filippa, thus, hoped that the King would protect the interests of Anna Fleming so that she could enjoy the inheritance.

Appealing to the king for help was a common strategy in sixteenth-century Swedish society as well as in the earlier centuries. As the king had sworn to protect the feeble and the helpless (*miserabiles personae*), including orphans and widows,⁴⁴ it was clearly apparent that women like Filippa Fleming turned to him for help when wishing to challenge their guardians or other powerful male relatives and to evade restrictions of the Chapter on Inheritance and to overrule its system with compulsory proportions. Even men, though, could appeal to the king if they wished to evade the law or to request for help against mighty antagonists.⁴⁵ Peasants who felt oppressed by the nobility had a right to pass lower courts and appeal directly to the ruler who presented the highest instance.

⁴¹ Lahtinen, *Anpassning, förhandling, motsstånd*, pp. 169–90.

⁴² See also Elsa Trolle Önnarfors, *Justitia et Prudentia: Rättsbildning genom rättstillämpning: Svea hovrätt och testamentsmålen 1640-1690*, (Rättshistorisk bibliotek) 70 (Stockholm, 2014).

⁴³ Last will of Filippa Fleming, Biografica, RA.

⁴⁴ On *miserabiles personae*, see, for example, R.H. Helmholz, *The Spirit of Classical Canon Law* (Athens, GA, 1996, repr. 2010), pp. 122–35.

⁴⁵ See Lahtinen, “Prolonged Property Disputes,” pp. 141–42, 151, and 158.

The last will of Filippa Fleming did not explicitly refer to the inheritance law otherwise than in a passing remark when Filippa noted that she wanted to explain why she wished to deprive her brother of his statutory inheritance proportion. Another section of legislation was commented when Filippa explicitly pointed out that she did not consider her will to be contradictory to the law, because “it is stated in the *Konungsbalken* [Chapter on the King, in the law, with stipulations of the rights and duties of the ruler--addition by A.L.] that what the king justifiably wants to be done should be considered [as binding as] law”.⁴⁶

As a matter of fact, this principle is by no means part and parcel of the standard version of the *Konungsbalken* in the Law for the Countryside; however, the words are explicitly given in the so-called Judge’s Rules (Sw. *domarregler*) by Olavus Petri (d. 1552), a cleric and the most important Reformer of Reformation Sweden. Olavus Petri’s rules have been widely copied and quoted since the sixteenth century and they are still referred to every now and then.⁴⁷ While the error in referring to the *Konungsbalken* instead of the Judge’s Rules could have been a mere slip of memory, it is also possible that Filippa and her helpers were using a law manuscript in which the Judge’s Rules--or parts of them--had been copied in connection to *Konungsbalken*.⁴⁸ It is known, anyway, that Filippa had a law book at the Yläne estate.⁴⁹ The Law of the Realm had not been published in print, and the law book manuscripts, copied by hand, had certain variations in their compilation and wording.⁵⁰ In any case, in the last will of Filippa Fleming, the power of the king was emphasized in the spirit of the contemporary legal practice and in harmony with the ruler’s wishes to consolidate his power.

While Filippa Fleming’s last will represented a bold move, she had some predecessors. There are even other cases known from the sixteenth century where a Swedish noblewoman turned to the king for help, describing herself as neglected and oppressed by her male relative, willing to disinherit the named male relative and hoping to share her property between a female relative and the king.⁵¹ Although it was not stated explicitly, the donation to the king

⁴⁶ Sw. “*thet konung medh skälom wil, thet reknas för lagh*”, Last will of Filippa Fleming, Biografica, RA.

⁴⁷ On the life of Olavus Petri, see Gunnar T. Westin, “Olavus Petri,” in *SBL* 28, ed. Göran Nilzén (Stockholm, 1992–94), p. 151.

⁴⁸ Last will of Filippa Fleming, Biografica, RA; *Domare embete* by Olavus Petri, see online version: <http://runeberg.org/opetri/domregl.html>, last accessed on 4 Sept. 2017. I would like to express my thanks to Mia Korpiola for directing my attention into a possible connection between Filippa’s mention of *Konungsbalken* and Olavus Petri’s Judge’s Rules.

⁴⁹ *Bidrag till Finlands historia* 5, ed. Hausen, appendices A and B mention a law book.

⁵⁰ On examples of similar additions in another manuscript, see *Codex Aboensis*, eds. Huitu and Riska, pp. 212–22.

⁵¹ Lahtinen, *Anpassning, förhandling, motsstånd*, pp. 169–90.

was also a way to bind the ruler to support the claims of the female donor: it was in the interests of the ruler to uphold/confirm the validity of a will that benefited him economically as well as via reinforcing the image of a benevolent ruler. Benefiting a female relative in a last will was typical of women testatrices in Sweden as well as elsewhere. This preference might have reflected both their gendered networks or a special awareness of the vulnerability of women and a wish to help them. Even the poor and vulnerable were more often remembered by women in their last wills.⁵²

All in all, in her last will Filippa Fleming resorted to all possible means to ensure that her last will would be reinforced. She brought up a variety of misdeeds committed by her brother, referred to the contemporary legal practice, and made the king an offer that he could hardly resist. Hers was revenge from the beyond, a consolation that early modern women sometimes had to turn to in order not to despair in the face of injustice in the transitory life on earth.⁵³ All means would be needed as well, because the disregarded brother was not about to relinquish his rights without a fight. In the following, I shall discuss the dispute and what legislation was referred to when Klas Fleming tried to defend his rights for a proportion of inheritance.

Dispute

Interestingly enough, the last will of Filippa Fleming was given a strange postscript by the outraged brother. It is not exactly clear what route the last will took after the departure of Filippa Fleming, after she had died in August 1578. It seems, however, that soon after her death Klas Fleming got his hands on this scandalous piece of paper, was apparently outraged, and started a campaign to thwart Filippa's plans. Thus, he wrote his own remonstrance at the end of the will, appealing to King John III to overlook the document.

Klas Fleming demented the accusations in general stating that forgery might have been committed and claimed that he was able to prove his innocence. Without going into details by

⁵² Amy Louise Erickson, *Women and Property in Early Modern England* (London, 1995), pp. 19 and 227–28; Mendelson and Crawford, *Women in Early Modern England*, p. 238; Helt, “Women, memory and will-making,” p. 199.

⁵³ On female thoughts of revenge and having the last word from the beyond, see Anne Kugler, “Constructing Wifely Identity: Prescription and Practice in the Life of Lady Sarah Cowper,” *Journal of British Studies* 40:3 (2001), p. 295.

actually proving his innocence--possibly unable to prove his claims or commitment for his sister--Klas Fleming soon turned to other directions in his defence, trying to prove the will as such was null and void. According to Klas Fleming, the "illegal document" (Sw. *olaglig brev*) had been machinated by its four witnesses: two noblemen, Magnus Fleming (a distant relative) and Bengt Jönsson, and two clerics with connections to Filippa Fleming. Thus, Klas Fleming called into question whether the document could really be proven to express the last wishes of her sister or whether it had been instigated by others. Klas Fleming also claimed that the four witnesses could not have been present together at Filippa Fleming's residence, and the seals had been affixed to the paper only after Filippa's death. Indeed, it *is* to be noted that Filippa's own seal is not on the will although she is known to have had a seal of her own; however, she has undersigned it.

The problem of the authenticity of women's voices in the past is, coincidentally, one that has been presented by modern historians as well. Last wills of women were mostly dictated to and formulated by men who were more likely to be familiar with legal procedures and formulas. Forgeries were not unheard of. On the other hand, enough is known of testamentary processes to conclude that women did cross-check the formulas that were used, even if they did not necessarily formulate every meaning by themselves.⁵⁴ Moreover, the last will of Filippa Fleming is far from being a copy of standard formulas. It is full of personal details and information about the close family relations.

In order to further question the validity of the last will, Klas Fleming pointed out that no one who had been present at the last hour of Filippa Fleming had heard her mention a written testament, neither had the mother of the fiancé been informed about it although she had been visiting Filippa Fleming at the same time with Magnus Fleming.⁵⁵ Interestingly, then, Klas Fleming was confronting the written last will against the oral last will (or the lack of it). The moment of death was considered very important--a moment of truth, a moment to confess one's sins and debts, and a moment for last requests and donations.⁵⁶

⁵⁴ See, for example, Lewis, "Women, Testamentary Discourse and Life-Writing," pp. 65–66; Helt, "Women, memory and will-making," pp. 191–93.

⁵⁵ Last will of Filippa Fleming, Biografica, RA. On a noble seventeenth-century deathbed will by a noblewoman and the dispute around it, see Mirkka Lappalainen, *Släkten – makten – Staten: Creutzarna i Sverige och Finland under 1600-talet* (Stockholm, 2007), pp. 195–97.

⁵⁶ See Mia Korpiola, "'At Death's Door:' The Authority of Deathbed Confessions in Medieval and Early Modern Swedish Law," in *Dying Prepared in Medieval and Early Modern Northern Europe*, eds. Anu Lahtinen and Mia Korpiola, (The Northern World) 82 (Leiden, 2018), pp. 65–104.

In legislation, the oral last will was mentioned in the Swedish medieval Town Law, in section 17 at the end of the Chapter on Land (*Jordabalken*). It was stipulated that everything that a man or a woman confessed or said at the last hour was to be considered proven and confirmed. However, at least three men had to be present, one who would either pay the debt on behalf of the dying one or receive something, and two witnesses who could take an oath to validate what had been spoken.⁵⁷ While deathbed donations and confessions were mentioned only in the Town Law and lack equivalent in any other Swedish medieval law codices, the practice of honouring the statements and wishes uttered on the deathbed was commonly accepted.

The claim of Klas Fleming may also reflect similar thinking as commented by R.H. Helmholz in this volume: if the last will is not understood a fixed document (as we nowadays tend to see it), but rather as a statement of a person's final wishes, then a written statement could be confirmed or overruled by previous written wills. If Filippa had not mentioned the written last will, perhaps it could be considered that she had changed her mind, or maybe the will could be proven to have been some sort of forgery in the first place.

As could be expected, however, it was difficult for Klas Fleming to entirely reject the last will. Cleverly enough, as has been told before, Filippa had made the king one of her co-heirs. It was too dangerous for anyone to complain to the king too openly about a testament that was favourable to the ruler or to attempt to portray it as a forgery. Thus, Klas Fleming could only express his sentiments and leave it to His Royal Majesty to make the final decisions, expressing his hope that the ruler would consider his arguments justified. In the meanwhile, a sumptuous funeral was organized for Filippa, and despite the dispute, Klas Fleming participated in the event with all pomp and glamour.⁵⁸ The harvest of the seeds of discord would be addressed later on.

Grapes of Wrath

⁵⁷ 17 J, *MESL*, eds. Holmbäck and Wessén, p. 77.

⁵⁸ Ylönen, *Pöytyän, Yläneen ja Oripään historia*, pp. 354–55.

What was the outcome of the last will, then? At first, the king seemed to follow at least some of the wishes of the late Filippa Fleming. The movables were confiscated and the manor of Yläne was turned into a royal estate. However, it seems that the fiancé Knut Jönsson never received his part of the movables, nor was he present when Filippa's servants were paid their salaries. Ten years later, when Klas Fleming had gained the favour of King John III above all other aristocrats in the kingdom, even the manor of Yläne was donated to him by the ruler.⁵⁹

What about the inheritance and rights of Anna Fleming, then? As the sources are scattered, it is not known whether the guardianship rights or landed property of Anna were in any way secured by the king. In principle, for example, Anna could have been invited to stay in the royal household or made one of the queen's maids of honour or attendants in order to protect her from the despotism of her guardian Klas Fleming. It seems, however, that her rights were not given a high priority. Quite the contrary. It would later turn out that during the more than fifteen years of his guardianship Klas Fleming neglected his legal duty to keep accounts of the property and annual rents belonging to Anna Fleming. Anna had little chance of defending her rights. It was only after the death of her uncle Klas Fleming and the seizure of power by Klas's enemy Duke Karl of Södermanland, who was to reign Sweden as Charles IX (r. first *de facto* and then *de jure* 1599–1611), that Anna Fleming was finally somewhat compensated for everything that she had lost during the years.⁶⁰

Ironically, the last will of Filippa Fleming was later even used against the heirs of Anna Fleming. The legacy of the bitter conflict was revived in the law suit Birckholtz vs. Banér that was filed in the Svea Court of Appeal in the early 1620s.⁶¹ During the court case, the son and daughter of the then deceased Anna Fleming tried to get more compensation for the lost inheritance. They had, little by little, become aware of everything that had been taken away from their mother and her aunt, and they demanded that the two daughters of Klas Fleming

⁵⁹ Accounts from the Yläne Manor, Bailiff's Records (voudintilit) vol. 1400, KA; *Bidrag till Finlands historia* 5, ed. Hausen, appendices A & B; Ylönen, *Pöytyän, Yläneen ja Oripään historia*, pp. 355–56.

⁶⁰ On the lengthy marriage negotiations of Anna Fleming, see Lahtinen, *Anpassing, förhandling, motsstånd*, pp. 169–80; Anu Lahtinen, "Tender concerns and individual prospects: Settling the future of noble fiancées in sixteenth-century Sweden," in *Hopes and fears for the future in early modern Sweden, 1500–1800*, eds. Petri Karonen, Jari Eilola, Marko Lamberg, and Olli Matikainen, (Studia Historica) 79 (Helsinki, 2009), pp. 77–97; Anu Lahtinen, "The Marriage Process in the Light of Family Correspondence: A Comparative Perspective on the Swedish Evidence," in *Regional Variations in Matrimonial Law and Custom in Europe, 1150–1600*, ed. Mia Korpiola, (Medieval Law and Its Practice) 12 (Leiden, 2011) pp. 251–73.

⁶¹ Liber Causarum 27, Huvudarkivet E VI a 2aa, Svea Court of Appeal Archives, RA; Lahtinen, "Prolonged Property Disputes," pp. 149–56.

(represented by their husbands) should provide thorough calculations about the worth of the inheritance that had been left by Erik Fleming and Hebla Sparre.

Unfortunately, the mismanagement of landed property by Klas Fleming had resulted into a complicated situation and no clear catchall records were available. Moreover, as the last will of Filippa Fleming had allotted the Yläne manor to the king--even if against the law--the Svea Court of Appeal decided that via the last will, part of the landed property had been removed from the constraints of the law of inheritance.⁶² Thus, the heirs of Anna Fleming could not ask for compensation for landed property that had been first donated to the king and later donated to Klas Fleming. Although it had been inherited land connected to the Fleming family, after it had been given to the king, it had lost its former status and was no longer considered to be inherited property. According to the law, other than inherited land could be donated freely.⁶³

In the end, the bitter grapes of wrath were harvested by the children of Anna, those who Filippa Fleming might have wanted to help; and the planned results of the will had ultimately been almost voided--except for causing some temporary inconveniences and irritation to Klas Fleming and his family. Could the results have been different if Filippa Fleming had only bequeathed a smaller amount of property and left something to Klas Fleming? As mentioned before, in many other cases the rights of male relatives were restricted, not annulled. On the other hand, considering that Klas Fleming was known for his unscrupulous way of accumulating wealth, there may have been little chance of legally preventing him from seizing the property anyway.

Conclusion

As Swedish legislation left much open to various interpretations, making a last will could have unanticipated results. The validity of the last will could be questioned in the first place if the rights of the legal heirs were violated. If the legal status of the testator or testatrix was unclear, it made things all the more difficult. Thus, for a person like Filippa Fleming,

⁶² Sententia definitiva, Liber Causarum 27, Huvudarkivet E VI a 2aa, Svea Court of Appeal Archives, RA; Lahtinen, "Prolonged Property Disputes," p. 156.

⁶³ For strategies of "whitewashing" inherited landed property into "bought" or "donated" property, see Eric Anthoni, "Ett tidigt ställningstagande mot ofrälse giften av en finländsk storman," *Historisk tidskrift för Finland* 47:2 (1962), pp. 51–55; Lahtinen, "By Love and by Law," pp. 153–54.

unmarried and unhappy with her legal guardian, it was nearly impossible to defend her rights or the rights of her niece. Firstly, she had to prove that her brother was unworthy of the inheritance; secondly, she had to find someone to defend her rights.

Filippa did her best to ally with the ruler and to use the last will to bypass the restrictions of the compulsory inheritance proportions. Resorting to the ruler for help was a typical trait in the Swedish legal system, and for a woman who considered herself neglected, scorned or helpless this could have been her only hope. On the other hand, one should not neglect the grassroots level help that Filippa Fleming seems to have received from local noblemen and priests who acted as witnesses to her testament. While only the king had the authority over the powerful guardian, it was due to her local male allies that Filippa Fleming was able to make the last will in the first place.

In the last will and in the later processes that followed, the bits and pieces of Swedish legislation, legal culture and social rules were used by Filippa and her relatives in order to defend their inheritance rights. The king as the highest instance, requirements set for honourable guardians, expected love and care between close family members, the tradition and legislation related to deathbed confessions, requirements set for legal witnesses of last wills, and the consequences of a donation for the nature of landed property--all these elements were present in this particularly complicated inheritance dispute.

The case of Filippa Fleming demonstrates that in sixteenth-century Sweden even noblewomen's well-being depended on the goodwill and ability of their guardians and representatives, and that brothers and uncles did not always prove themselves the best guardians for an unmarried woman.⁶⁴ On the other hand, one should not ignore the impact of the last will of Filippa Fleming in the first place; at least her case illuminates the contemporary shortcomings of legal control over the rights of women. While the testamentary practices were undefined, they also gave some space of action for women who wanted to make a difference--or at least some difference.

⁶⁴ On gendered legal personhood, see Anu Pylkkänen, "Construction of Gendered Legal Personhood in the History of Finnish Law," in *Less Favoured - More Favoured: Proceedings from a Conference on Gender in European Legal History, 12-19th centuries*, eds. Grethe Jacobsen, Helle Vogt, Inger Dübeck, and Heide Wunder (Copenhagen, 2005), available online, http://www.kb.dk/da/nb/publikationer/fundogforskning-online/less_more/, last accessed on 3 Aug. 2017.